

**EN BANC ORAL ARGUMENT**  
**Before the Minnesota Supreme Court**  
**June 2006**

**SUMMARY OF ISSUES**

Summaries prepared by the Supreme Court Commissioner's Office

**Monday, June 5, 2006, 9:00 a.m., Supreme Court Courtroom, State Capitol**

**State of Minnesota, Respondent vs. Michael Medal-Mendoza – Case No. A05-1084:** On appeal from his convictions on two counts of first-degree intentional murder and one count of attempted first-degree intentional murder, appellant Michael Medal-Mendoza presents the following issues for review: (1) whether Medal-Mendoza's right to present a defense was violated by the exclusion of evidence of his co-defendants' gang affiliations offered to inculcate them as the persons who shot the victims; (2) whether the district court erred in allowing a police officer to testify as an expert regarding Medal-Mendoza's intent; (3) whether the district court erred in instructing the jury that it could consider evidence of flight as proof of Medal-Mendoza's criminal intent; (4) whether Medal-Mendoza's right to confront witnesses was violated by the admission of information provided by a confidential reliable informant whose identity was not disclosed to the defense; and (5) whether Medal-Mendoza received ineffective assistance of counsel. (On appeal from Ramsey County District Court.)

**EOP-Nicollet Mall, L.L.C., Relator vs. County of Hennepin, Respondent – Case No. A06-96:** In relator EOP-Nicollet Mall, L.L.C.'s challenge to the tax valuation of its property, the Tax Court denied EOP-Nicollet Mall's motion to compel respondent Hennepin County to disclose information relevant to the valuation of 20 specific comparable properties. The Tax Court denied the motion to compel on the grounds the information was non-public or private data under the Minnesota Government Data Privacy Act (MGDPA) and that the information contained in the files could not be

adequately protected by a confidentiality order. The Tax Court later ordered both parties to disclose, subject to a confidentiality order, any data actually relied on by their appraisal experts, which included valuation information about some, but not all, of the comparable properties for which EOP-Nicollet Mall had sought disclosure. On appeal from the Tax Court's final order determining the value of the property, EOP-Nicollet Mall presents the following issues for review: (1) whether EOP-Nicollet Mall had a due process right to disclosure of valuation information for all of the buildings subject to a confidentiality order; and (2) whether the Tax Court violated EOP-Nicollet Mall's right to due process by permitting Hennepin County to rely on information it had withheld on the ground the information was non-public or private data under the MGDPA; and (3) whether the Tax Court erred in its valuation of the property. (On appeal from the Tax Court.)

**Tuesday, June 6, 2006, 9:00 a.m., Supreme Court Courtroom, State Capitol**

**State of Minnesota, Respondent vs. Richard Raymond Chauvin, Appellant – Case No. A05-726:** Appellant Richard Chauvin was convicted of theft by swindle and the district court convened a “sentencing jury” over Chauvin’s objection to determine the whether aggravating factors were present. Based on a jury finding that the victims were particularly vulnerable due to their age, the district court departed from the presumptive term of 24 months and sentenced Chauvin to 48 months in prison. The issues on appeal are: (1) whether the district court erred in convening a “sentencing jury” to determine the presence of aggravating factors; and (2) whether petitioner’s right to due process was violated by the upward sentencing departure based on the vulnerability of the victims where he was not charged with theft by swindle of vulnerable persons. (On appeal from Mille Lacs County District Court.)

**In re Petition for Reinstatement of Sharon D. Ramirez, Registration No. 231162 – Case NO. A04-2499:** Attorney reinstatement matter that presents the issue of whether disbarred attorney Sharon Ramirez should be reinstated to the practice of law.

**Wednesday, June 7, 2006, 9:00 a.m., Supreme Court Courtroom, State Capitol**

**State of Minnesota, Respondent vs. Matthew Martin Scanlon, Appellant – Case No. A05-586:** On appeal from his conviction for first-degree murder, appellant Matthew Scanlon presents the following issues for review: (1) whether the district court erred in admitting statements obtained from Scanlon after he invoked his right to counsel; (2) whether Scanlon was denied the right to present a defense by the exclusion of third-party-perpetrator evidence; (3) whether discovery violations by the state deprived Scanlon of a fair trial; and (4) whether the evidence was sufficient to support the verdict. (On appeal from Hennepin County District Court.)

**In re the Estate of: Leonard Earl Jotham, Deceased – Case No. A05-438:** Respondent Diann Nelson objected to a probate petition seeking an adjudication of intestacy and a determination of heirs for the estate of her father Leonard Earl Jotham on the ground the other descendent named in the petition, Nelson's sister Sandra Barnett, was not Jotham's biological child. The district court ruled that Nelson did not have standing to contest Barnett's parentage and that Barnett was Jotham's child as a matter of law under the Parentage Act because she was born within 280 days of her parents' divorce. The court of appeals reversed, holding that in an intestacy proceeding a sibling may challenge paternity of another sibling that is conclusively established under the Parentage Act regardless of the standing requirements and time limitations in the Parentage Act. The issue on appeal is whether a sibling has standing to challenge in an intestacy proceeding the paternity of another sibling where the decedent is the presumed father under the Parentage Act. (On appeal from Crow Wing County District Court.)

**Thursday, June 8, 2006, 9:00 a.m., Supreme Court Courtroom, State Capitol**

**State of Minnesota, Respondent vs. Ronald James Bell, Appellant – Case No. A04-1595:** On appeal from his convictions for first-degree burglary and violation of a no-contact order, appellant Ronald Bell presents the following issues for review: (1)

whether the district court erred in admitting evidence of Bell's prior violations of an order for protection involving the same victim as relationship evidence; and (2) whether procedural safeguards to ensure that the jury does not use relationship evidence for an improper purpose are necessary to protect a defendant's right to a fair trial. (On appeal from Ramsey County District Court.)

**State of Minnesota, Respondent vs. John Russell Heden, Appellant – Case No.**

**A05-1386:** Appellant John Heden was convicted of first-degree murder and two counts of felony murder for causing the death of his infant daughter. Heden presents the following issues for review: (1) whether his felony-murder convictions could be based on the predicate offense of criminal sexual conduct involving digital penetration of the victim; (2) whether the evidence was sufficient to support the verdict; (3) whether the district court erred in its instructions to the jury; (4) whether Heden's Fifth Amendment rights were violated by the failure of the police to give a *Miranda* warning after Heden admitted shaking the victim. (On appeal from Pennington County District Court.)

**Monday June 12, 2006, 9:00 a.m., Minnesota Judicial Center, Courtroom 300**

**State of Minnesota, Respondent vs. Eric Maurice Wright, Appellant – Case**

**No. A05-1747:** On appeal from his convictions on multiple counts of first-degree murder of his 82-year-old father, appellant Eric Wright presents the following issues for review: (1) whether the district court erred in admitting Wright's prior assault conviction; (2) whether the prosecutor engaged in misconduct warranting a new trial; (3) whether the cumulative effect of alleged trial errors deprived Wright of a fair trial; (4) whether Wright is entitled to vacation of all but one of his convictions for first-degree murder; and (5) whether the district court erred in imposing a life term without the possibility of release based on Wright's prior conviction for a heinous crime where the court rather than the jury determined whether Wright had a previous conviction for a heinous crime. (On appeal from Stearns County District Court.)

**NONORAL: Derrick Ramon Dukes, Appellant vs. State of Minnesota, Respondent – Case No. A05-2264:** On appeal from the denial of his petition for postconviction relief from his conviction for first-degree murder, appellant Derrick Dukes presents the following issues for review: (1) whether *Crawford v. Washington*, 541 U.S. 36 (2004), announced a bedrock procedural rule regarding the admission of testimonial out-of-court statements and thus applies retroactively to Dukes' conviction; and (2) whether Dukes was denied his right to confront witnesses by the admission of his co-defendant's plea transcript where the co-defendant did not testify at trial and was not subject to cross-examination. (On appeal from Ramsey County District Court.)

**NONORAL: State of Minnesota, Respondent vs. Lennell Maurice Martin, Appellant – Case No. A04-279:** Following a remand from the supreme court for an evidentiary hearing, appellant Lennell Martin presents the following issues for review in his appeal from his conviction for first-degree murder: (1) whether Martin is entitled to a new trial based on the district court communications with the jury without Martin present; (2) whether the district court erred in admitting a statement made by the victim after he was shot. (On appeal from Anoka County District Court.)

**Tuesday, June 13, 2006, 9:00 a.m., Minnesota Judicial Center, Courtroom 300**

**State of Minnesota, Respondent vs. Scott Caulfield, Appellant – Case No. A04-1484:** On appeal from his conviction for third-degree controlled substance crime, appellant Scott Caulfield presents the following issue for review: whether the admission of a lab report stating that the substance found in Caulfield's possession contained cocaine violated the Confrontation Clause where the person who tested the substance and prepared the report did not testify at trial. (On appeal from Olmsted County District Court.)

**In re Petition for Disciplinary Action against Brian J. Peterson, a Minnesota Attorney, Registration No. 85625 – Case No. A05-646:** Attorney discipline matter that

presents the issue of what discipline, if any, is appropriate based upon the facts of the matter.

**NONORAL: State of Minnesota, Respondent vs. Charden Gomez, Appellant – Case No. A03-1075:** Appellant Charden Gomez was convicted on two counts of first-degree murder. On direct appeal, Gomez challenged the exclusion of three non-Caucasians from the jury and this court reversed and remanded. The state moved for an extension of time to petition for rehearing, to stay entry of judgment, and to remand to the district court for correction of the record. The supreme court granted the motion for an extension of time and remanded the case to the district court for an evidentiary hearing under Minn. R. Civ. App. P. 110.05 (providing that differences in record shall be resolved by district court). On remand, the district court made findings and corrected the record. The state then filed a petition for rehearing with this court asking the court to affirm Gomez' convictions based on the corrected record. The issues on appeal are: (1) whether the supreme court has authority to extend the time for filing a petition for rehearing; (2) whether the district court's findings at the evidentiary hearing are supported by the record; and (3) whether Gomez was denied his right to a fair trial by the state's use of peremptory challenges to exclude non-Caucasians from the jury. (On appeal from Hennepin County District Court.)

**Tuesday, June 20, 2006, 9:00 a.m., Minnesota Judicial Center, Courtroom 300**

**Dena Lyn Hankerson, Appellant vs. State of Minnesota, Respondent – Case No. A06-168:** Appellant Dena Hankerson petitioned for postconviction relief challenging a sentencing departure that was based on facts found by the district court rather than a jury in violation of *Blakely v. Washington*, 542 U.S. 296 (2004). Hankerson asked the district court to impose the presumptive term under the Sentencing Guidelines. The district court denied the request and ordered a sentencing jury to be convened under Minn. Stat. § 244.10, subd. 5 (Supp. 2005). The supreme court granted the parties' joint

petition for accelerated review of the following issues: (1) whether the 2005 amendments to Minn. Stat. § 244.10, subd. 5, and the Sentencing Guidelines apply to Hankerson's case; (2) whether the convening of a sentencing jury in Hankerson's case violates the state and federal constitutional prohibitions on double jeopardy; and (3) whether applying the 2005 amendments to Hankerson's case violates state and federal constitutional prohibitions on ex post facto laws. (On appeal from Goodhue County District Court.)